IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUMMARY SUIT NO. 238 OF 2003

Bank of India ..Plaintiffs.

Versus

Kamal L. Chhabria ..Defendant.

Mr. O.A. Das for the Plaintiffs.

None for the Defendant.

CORAM : S. J. VAZIFDAR, J.
DATED : 23rd NOVEMBER,2005.

P.C.:

1. The suit is filed to recover the amounts due by the defendant in respect of the credit card facility extended by the plaintiffs to the defendant. The plaintiffs have tendered a compilation of the original documents as well as the statement of account. The same are taken on record and marked ‘A’ collectively.

2. The defendant executed the necessary agreement in respect of the credit card facility. The agreement incorporates the terms and conditions of the card membership agreement and the defendant agreed to be bound by the same. The terms and conditions specify, interalia, the mode of the payment of the bill and consequences of nonpayment and delayed payment. The

terms and conditions also specify the rate of interest/ services charge.

3. The plaintiffs have demanded repayment by Advocate’s notice. The defendant has at no stage disputed the correctness of the account. There is nothing on record that militates against the plaintiffs’ averment or claim. The averments made in the plaint are accepted as correct.

4. In the circumstances, the suit is decreed as prayed.

5. Refund as per rules.

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